



State of Idaho
Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706



U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

March 17, 2003

Reply To
Attn Of: ECL -113

Ms Kathleen Hain, Manager
Environmental Restoration Program
U.S. Department of Energy
Idaho Operations Office
785 DOE Place
Idaho Falls, Idaho 83402

Subject: Operable Unit 7-13/14 Second Addendum to the RI/FS Work Plan and the Scope of Work

Dear Ms. Hain:

We have one remaining concern with the Second Revision to the Scope of Work (SOW) for the Operable Unit 7-13/14, Waste Area Group 7 Comprehensive Remedial Investigation/Feasibility (RI/FS) Study. A Scope of Work is used only to do initial planning for the necessary RI/FS Work. Since it lacks the detail contained in the RI/FS Work Plan, dated May 1996 as modified by the August 1998 Addendum, the assumptions and statements made in the SOW are only planning assumptions and do not supercede the detailed requirements contained in the existing RI/FS Work Plan.

The April 18, 2001, Settlement Agreement did not assign an enforceable deadline date for the submission of a revised SOW or Work Plan. However, it did recognize the existing RI/FS SOW and Work Plan. This existing Work Plan is clearly a primary document as defined at Section 8.5 of the Federal Facility Agreement and Consent Order (FFA/CO). Modification of this work plan requires the Agencies' concurrence pursuant to Section 8.22 of the FFA/CO.


If DOE fails to submit an acceptable work plan modification, DOE remains obligated to meet the requirements of and submit an RI/BRA in compliance with the existing May 1996 RI/FS Work Plan as modified by the August 1998 Addendum. The Second Revision to the SOW does not substitute as a Work Plan, nor can it serve as a shield against DOE's performance of a RI/FS in accordance with the National Contingency Plan and supporting guidance.

Please contact Wayne Pierre at (206) 553-7261, or Dean Nygard at (209) 373-0285, if you require clarification or elaboration on our position in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Nygard".

Dean Nygard
Site Remediation Manager

A handwritten signature in cursive script, appearing to read "Wayne Pierre".

Wayne Pierre
Project Manager

cc: Jeff Snook, DOE-ID